

1 *LAW OFFICE OF ROBERT LUBIN*
2 ROBERT M. LUBIN ESQ. (055863)
3 r1817@aol.com
4 JOSEPH CAMENZIND, IV (244154)
5 camenzindlaw@yahoo.com
6 177 Bovet Road, Suite 600
7 San Mateo, CA 94402
8 Phone: (650) 638-3221
9 Fax: (650) 638-1005

10 *LAW OFFICE OF KENNETH PRITIKIN*
11 KENNETH W. PRITIKIN, ESQ. (108072)
12 kwpritikin@gmail.com
13 2950 Buskirk Ave., Suite 300
14 Walnut Creek, CA 94597
15 Phone: (925) 407-2158
16 Fax: (925) 262-4668

17 Attorney for Plaintiffs

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19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE)

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29 ROBERT PRITIKIN, et al.,

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31 Plaintiffs,

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33 vs.

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35 COMERICA BANK, et al.

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38 Defendants

39 Case No.: C09 03303 JF

40 DECLARATION OF KENNETH W.
41 PRITIKIN IN SUPPORT OF
42 STIPULATION AND ORDER TO
43 CONTINUE CASE MANAGEMENT
44 CONFERENCE AND TO EXTEND TIME
45 TO FILE AND SERVE FIRST AMENDED
46 COMPLAINT

47 [Local Rule 6-2]

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69 I, Kenneth W. Pritikin, declare:

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88 PRITIKIN v. COMERICA BANK ET. AL.

89 DECLARATION OF KENNETH W. PRITIKIN IN SUPPORT OF STIPULATION AND ORDER TO CONTINUE CASE
90 MANAGEMENT CONFERENCE AND TO EXTEND TIME TO FILE AND SERVE FIRST AMENDED COMPLAINT

1 and correct. If called as a witness, I could and would competently testify to the truth of the
2 matters stated herein.

3 2. This declaration is made in support of the stipulation of Plaintiffs and Defendant
4 Comerica Bank (“Comerica”) to an Order (i) that the Case Management Conference which is
5 currently set for January 15, 2010 at 10:30 a.m., be continued for a period of approximately
6 seven (7) days, and (ii) extending the deadline for Plaintiffs to file and serve a first amended
7 complaint until January 22, 2010.

8 3. On November 17, 2009, this Court issued an Order continuing the Case
9 Management Conference in this matter, from November 20, 2009 to the current date of January
10 15, 2009, and continuing to January 8, 2010 the deadline for filing a Joint Case Management
11 Conference. On November 25, 2009, this Court issued and Order extending the deadline for
12 Plaintiffs to file and serve a first amended complaint, from December 15, 2009 to January 15,
13 2010. Each of these Orders was issued pursuant to the stipulation of Plaintiffs and Defendant
14 Comerica Bank, each of which stipulations were based on Plaintiffs’ representations that
15 Plaintiffs are in the process of associating additional legal counsel in this action, and that the
16 requested continuance of the Case Management Conference and extension of the deadline to
17 file and serve a first amended complaint are necessary in order to afford said associated
18 counsel a reasonable opportunity to become familiarized with the legal and factual issues in
19 this case and to thus meaningfully participate in the Case Management Conference and to
20 assist in the preparation of the first amended complaint.

21 4. Plaintiffs are currently in the final stages of selecting associated counsel.
22 However, it is expected that said counsel will not be formally associated as counsel of record in
23 this matter in approximately the last week of December 2009 or the first week of January 2010.
24 As such, additional one (1) week extensions in both the date of the Case Management
25 Conference and the deadline for filing a first amended complaint are needed in order to afford
26 said associated counsel the time reasonably necessary to meaningfully participate in the Case
27 Management Conference and the preparation of the first amended complaint.

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PRITIKIN v. COMERICA BANK ET. AL.

DECLARATION OF KENNETH W. PRITIKIN IN SUPPORT OF STIPULATION AND ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE AND TO EXTEND TIME TO FILE AND SERVE FIRST AMENDED COMPLAINT

1 5. Other than as stated above, there have been no previous modifications to the
2 above dates and deadlines. The only previous time modifications in this case have been as
3 follows:

4 (a) an extension of the time for Comerica to file and serve a response to the
5 complaint, pursuant to stipulation of Plaintiffs and Comerica filed on August 6, 2009;

6 (b) a second extension of the time for Comerica to file and serve a response
7 to the complaint, pursuant to stipulation of Plaintiffs and Comerica filed on August 27,
8 2009;

9 (c) an Order filed on November 17, 2009 to continue the date of the Case
10 Management Conference to January 15, 2010, pursuant to stipulation of Plaintiffs and
11 Comerica filed on November 9, 2009.

12 6. Other than as stated above, the requested Order shall not alter the date of any
13 other event or deadline previously fixed by an Order of this Court, and will have no effect on
14 the schedule for the case other than by delaying, for a like period of time, the time for
15 Comerica to file and serve its response to the first amended complaint.

16 I declare under penalty of perjury under the laws of the United States of America that
17 the foregoing is true and correct, and that this declaration is executed on December 28, 2009
18 in Walnut Creek, California.



Kenneth W. Pritikin

Kenneth W. Pritikin